

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF LEWIS SANITATION	)	CASE NO.
COMPANY, INC. D/B/A GARDEN HEIGHTS	)	2017-00045
SEWER DIVISION TO FILE REQUIRED	)	
REPORTS	)	

ORDER

On February 6, 2017, the Commission ordered Lewis Sanitation Company, Inc. d/b/a Garden Heights Sewer Division (“Garden Heights”) to show cause why it should not be penalized for failing to comply with 278.230(3). A hearing in this matter was held on March 28, 2017, at which no representative for Garden Heights appeared. On May 2, 2017, the Commission issued an Order levying a fine of \$2,500 for violating KRS 278.230 and 807 KAR 5:006, Section 4(2), by failing to timely file its annual statistical and financial reports for the 2015 calendar year.

On May 10, 2017, John Lewis, the owner of Garden Heights, contacted Commission Staff by telephone to inform the Commission that he and/or Garden Heights could not afford to pay the \$2,500 fine. Mr. Lewis also informed Commission Staff that as of May 8, 2017, Garden Heights no longer had any customers, as all Garden Heights customers had been transferred to Regional Water Resource Agency (“RWRA”). On information and belief, RWRA is a metropolitan sanitation district, formed pursuant to KRS 76.231, which is located in Daviess County, Kentucky. Mr. Lewis further stated that

Garden Heights did not transfer its package treatment plants to RWRA, that Mr. Lewis was “locking up” the plants, and that Garden Heights had ceased to operate.

The Commission has confirmed that Garden Heights has transferred all of its customers to RWRA, has ceased providing sewer service, and is no longer operating in any capacity. Commission approval of the RWRA connection was neither sought nor required. RWRA did not purchase any of Garden Heights’s assets or ownership interest in the company. Because no transfer of utility ownership occurred, KRS 278.020(6) and (7) do not apply.<sup>1</sup>

Garden Heights no longer owns, controls, or operates any facility used for the “collection, transmission, or treatment of sewage for the public, for compensation . . . .”<sup>2</sup> Based upon this, the Commission finds that Garden Heights is no longer an operating utility as defined in KRS 278.010(3)(f). The Commission further finds that if Garden Heights seeks to provide sewer service, it must first pay the \$2,500 prior to resuming service.

IT IS THEREFORE ORDERED that:

1. Garden Heights shall no longer be regulated by the Commission as it no longer meets the definition of a utility under KRS 278.010(3)(f).
2. Garden Heights shall be removed from Commission records as an operating utility.
3. If Garden Heights seeks to be a utility again, it shall pay a fine of \$2,500 prior to resuming the provision of sewer service.

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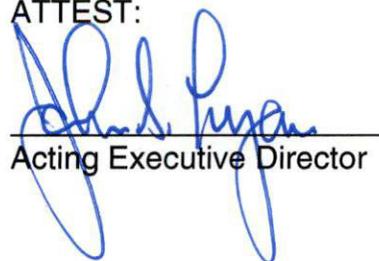
<sup>1</sup> See Case No. 90-129, Removal of Third Street Sanitation, Inc., From Public Service Commission Jurisdiction (Ky. PSC May, 21, 1990).

<sup>2</sup> KRS 278.010(3)(f).

By the Commission

ENTERED  
SEP 28 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Acting Executive Director

Case No. 2017-00045

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